

Notice to Principal is Notice to Agent: Notice to Agent is Notice to Principal

\*Original Instrument\* ref. "Document 97\*  
Duly rejected, without dishonor, for due cause. Lacks  
due verification and validation of presenter's due: 1. identification;  
2. authority; 3. authorization; and, 4. indorsement. Also, for due  
cause, as stated orally on 1-23-18, and in documents  
101 and 102, restated and incorporated  
by reference, as if set forth in full. Further, due cause,  
as stated in "DECLARATION OF EVIDENCE OF  
DISHONOR . . .", with date of February 14, 2018,  
restated and incorporated by reference, as  
if set forth in full. RANDALL KEITH BEANE, and  
HEATHER ANN TUCCI-JARAF

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

3:17-CR-82  
Judges Varlan/Shirley

ATTEST: A true copy  
Certified this 2/12/18

Debra S. Poplin, Clerk  
by J. Douglas Overbey, Dep. Clerk

UNITED STATES OF AMERICA'S MOTION TO AMEND INDICTMENT  
TO CORRECT CLERICAL ERROR

Comes now the United States of America by and through J. Douglas Overbey, United States Attorney for the Eastern District of Tennessee, and respectfully moves this Court to amend the Indictment, (Doc. 3), pursuant to Rule 7(e) of the Federal Rules of Criminal Procedure, to correct the statutory citation in paragraph 19, subsection (a) in Count Seven. The citation at the end of paragraph 19 (a) on page 6 of the Indictment currently reads "Title 18, United States Code, Section 1956(a)(1)(B)(i)." The citation should be amended to read thusly: "Title 18, United States Code, Section 1956(a)(1)(A)(i)." In support of its motion to amend the Indictment, the United States would show that the incorrect citation was a typographical error that the United States just discovered. However, because Paragraph 19 subsection (a) tracks the proper language of the citation, the defendants are on notice to the substantive charge against them. Therefore, the United States moves to amend the form of the Indictment to reflect the correct statutory citation.

Ordinarily, an indictment may be amended only by subsequent action of the grand jury. *Stirone v. United States*, 361 U.S. 212, 215-16 (1960). However, the general rule requiring re-presentment to the grand jury protects the rights of a defendant against a material change in the

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restated. 2/14/18 J. Douglas Overbey*

substance of the charge, not the form. Thus, amendments to an indictment are permitted when the change concerns matters of form rather than substance. *Russell v. United States*, 369 U.S. 749, 770 (1962); *Watson v. Jago*, 558 F.2d 330, 333 (6th Cir. 1977); *United States v. Hall*, 536 F.2d 313, 319 (10th Cir. 1976), *cert. denied*, 429 U.S. 919; *United States v. Fruchtman*, 421 F.2d 1019, 1021 (6th Cir. 1970), *cert. denied*, 400 U.S. 849 (1970). In an indictment, the defendant's name is a matter of form and not of substance; thus, an indictment may be amended to reflect the true name of the individual charged. See *United States v. Owens*, 334 F. Supp. 1030 (D. Minn. 1971); *United States v. Campbell*, 235 F. Supp. 94 (E.D. Tenn. 1964).

The indictment may be amended where the change will not amend the charges against the defendant. The indictment must fairly apprise the defendants of the charges against them.

*United States v. Willoughby*, 144 F. Supp. 3d 935, 940 (N.D. Ohio 2015).

Here the change is a matter of form rather than substance, and the indictment unquestionably apprised the defendants of the charges against them. The defendants have been put on notice of the United States's intent to prosecute the defendants for money laundering conspiracy pursuant to 18 U.S.C. § 1956(a)(1)(A)(i) because the United States put the substance of the statute and citation in the written language of the Paragraph 19 subsection (a). Further, Paragraph 19 cites the defendants to all of 18 U.S.C. § 1956 without reference to any subsection of the statute.

WHEREFORE, the United States moves for an amendment to the Indictment to reflect the correct statutory citation in Count Seven, Paragraph 19, subsection (a).

*Duly rejected, without dishonor, for  
due cause, regrated. 2-14-18, T. A. J.*

Respectfully submitted,

J. DOUGLAS OVERBEY  
UNITED STATES ATTORNEY

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CERTIFICATE OF SERVICE

I hereby certify that on January 22, 2018, a copy of the foregoing was filed electronically.

Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail.

Parties may access this filing through the Court's electronic filing system.

s/Cynthia F. Davidson  
CYNTHIA F. DAVIDSON  
Assistant United States Attorney

*July rejected, without dishonor,  
for due cause, refuted 7-14-18  
H. Heather Da Tran-Jones*

# Certificate of Service

I certify that on February 14, 2018, a true, accurate, and complete scan of the foregoing Original was made and caused to be electronically filed. Notice of this filing will be sent by operation of the alleged Court's electronic filing system to all alleged parties indicated on the electronic filing receipt. Alleged parties may access this filing through said electronic system.

February 14, 2018

  
Original, Heather Ann Trui-Taral